

# **Super Exhibit 1**

**NPDES Permit No. ILG62**

United States Environmental Protection Agency  
Region 5, Water Division  
NPDES Programs Branch  
77 West Jackson Boulevard  
Chicago, IL 60604  
[www.epa.gov/Region5](http://www.epa.gov/Region5)

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**General Permit for New and Replacement  
Surface Discharging Wastewater Treatment Systems**

**Issue Date:** DEC 31 2013

**Effective Date:** February 10, 2014

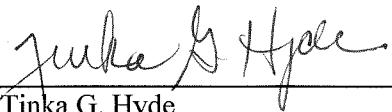
**Expiration Date:** February 9, 2019

**Coverage Under This Permit**

This Permit authorizes discharges to Waters of the United States in the State of Illinois, including to conveyances to Waters of the United States, including interstate waters that flow across or form part of the boundary of Illinois and in all areas of Illinois, from eligible New and Replacement Surface Discharging Wastewater Treatment Systems, provided the release rate from the treatment system is less than 1,500 gallons per day.

Additional eligibility criteria are included in Part I of this permit.

Permit requirements are listed in Part I through Part III.

  
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Tinka G. Hyde  
Director, Water Division  
United States Environmental Protection Agency  
Region 5

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## **Part I: COVERAGE UNDER THIS PERMIT**

### **A. Permit Area**

1. This permit covers all areas of the State of Illinois with discharges to Waters of the United States.

### **B. Eligibility**

1. Subject to the limitations on coverage listed below, this permit covers New and Replacement Surface Discharging Systems that discharge to Waters of the United States provided that: 1) the Surface Discharging System receives and processes only Domestic Sewage; 2) flows through the Surface Discharging System are less than 1,500 gallons per day; 3) connection to a sanitary sewer is greater than 300 feet away from the residential or non-residential property<sup>a</sup>, and 4) all alternatives to a Surface Discharging System are technologically or economically infeasible as determined in accordance with paragraphs 2 through 4 below. Permit coverage is available to eligible Surface Discharging System Owners or Operators who submit an administratively complete Notice of Intent (NOI) to be covered by the general permit, including the technological and economic feasibility analyses.
2. Technological Feasibility: To be covered by the general permit, Owners or Operators must submit a written determination that concludes that an individual or Soil Based Cluster System and all other alternatives to a Surface Discharging System are not technologically feasible. Feasibility determinations for soil based systems shall be based on a Soil Investigation and Site Evaluation conducted pursuant to the requirements in the Illinois Private Sewage Disposal Licensing Act, 225 ILCS 225, and Code (PSD Code), 77 Illinois Administrative Code (IAC) Part 905 and this general permit. Determinations shall specify the reason(s) for the conclusion. Where the PSD Code and this permit conflict, the approach described in this general permit must be used.
- a. Soil Investigation: An analysis conducted to support the determination must be based on the procedure in the PSD Code, Section 905.55 as it is adapted below, and shall be conducted by a qualified Soil Investigator as described here. A soil investigation analysis must be prepared, and signed by the person who conducts the Soil Investigation. The analysis must contain the information in Section I.B.2.a.iv, and must be included with the Site Evaluation report. The following link will provide a list of Soil Classifiers qualified under this general permit in each county meeting the Illinois Soil Classifiers Association certification requirements:  
<http://www.illinoisoils.org/map/index.htm>; The second link provides a search function that generates a list of Soil Classifiers qualified under this general permit

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<sup>a</sup> The Illinois Department of Public Health (DPH) is charged with implementation of 77 IAC 905.20(e) and EPA will defer to the Illinois DPH and its county partners to make determinations relevant to application of this language.

meeting the Soil Science Society of America certification requirements:  
<https://portal.sciencesocieties.org/BuyersGuide/ProfessionalSearch.aspx?Token=>.

- i. Determination of soil characteristics on sites proposed for a New or Replacement Surface Discharging System shall be based on soil boring data collected by a Soil Classifier.
- ii. There shall be a minimum of 3 borings per wastewater treatment system site. The soil borings shall be at least 50 feet apart, and the proposed wastewater treatment system must be located within the area where the soil borings were located. More soil borings may be necessary when there is variability between the samples that does not allow for an accurate and appropriate evaluation of a site. One of the borings shall be made at the lowest elevation of the proposed wastewater treatment system site. Borings shall extend a minimum of 60 inches below the natural ground surface. An observation pit shall be used when 20% (12 inches) or more of a soil boring sample is comprised of gravelly materials (particles greater than 2 millimeters in size).
- iii. Soil characteristics may also be determined from a pit dug by a backhoe or other excavating equipment. The Illinois Department of Public Health or the local authority designated as its agent may require soil pits (backhoe excavation) in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been previous or current fill material, cutting of soils, or where gravelly soils are encountered. Such soil pits shall be prepared at the perimeter of the expected wastewater treatment system area to minimize damage to natural soil structure. Soil pits shall extend a minimum of 60 inches below the natural ground surface.
- iv. Site characteristics to be described include zones of seasonal and permanent water saturation, soil textural changes, soil structural features, slope, compaction and depth, soil coloration, consistence, coatings, depth of limiting layer, depth of soil mottling, internal drainage classification, range of permeability and loading rate, consistence, coatings, physiography, soil type, and classification, and other limiting soil characteristics that may be identified that could potentially reduce permeability.
- v. The following persons are qualified to conduct soil investigations:
  - A Any person who meets the definition of Soil Classifier in Part IV (Definitions).

3. Site Evaluation: A Site Evaluation shall be conducted by a Site Evaluator using information gathered from the soil investigation analysis, PSD Code design requirements, and the additional design parameters identified in Section I.B.3.a through c below to determine if any alternative to a Surface Discharging System is

technologically feasible. A Site Evaluation report must be prepared, and signed by the person who conducted the Site Evaluation and must be submitted with the NOI. The Site Evaluation report must include the information required by this paragraph 3, including but not limited to calculations, supporting data (including the soil investigation analysis), types of systems evaluated, and the analysis supporting conclusions drawn about the site, and whether it can support an alternative(s) to a Surface Discharging System.

- a For homes, the design flow shall be 100 gallons per day (gpd) + Number of Bedrooms times 100 gpd/bedroom (e.g., the corresponding design flow for a 3 bedroom home would be 400 gpd).
- b The Site Evaluator shall evaluate the following system types ii.A through L<sup>b</sup>:
  - i. Soil Based Cluster System
  - ii. Septic tank, Imhoff tank, or Aerobic Treatment Plant<sup>c</sup> followed by:
    - A Subsurface seepage field, or
    - B Seepage bed, or
    - C Sand filter (buried or recirculating), or
    - D Non-sand media filter (buried or recirculating), or
    - E Waste stabilization pond, or
    - F 8 inch or 10 inch gravelless seepage system, or
    - G Chamber system, or
    - H Peat filter system, or
    - I Vegetative submerged bed, or
    - J Mound system, or

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<sup>b</sup> The Site Evaluator shall determine whether a septic tank, Imhoff tank, or aerobic treatment unit followed by any of the components listed in A through O can be supported by the particular site being evaluated and indicate what combinations, if any, can be supported.

<sup>c</sup> Aerobic treatment plants that meet ANSI/NSF Standard 40 for class I effluent, as demonstrated through field testing or design, may be used and are not required to be tested and listed by NSF International or a laboratory approved by ANSI.

- K At grade system, or
- L Low pressure pipe system; or
- M Drip Irrigation Systems; or
- N Wisconsin mound systems; or
- O Illinois raised filter beds.

iii. Any alternative to a surface discharging system.

c The Site Evaluator shall evaluate the following soil design groupings and loading rates based on the alternative Soil Group classifications provided in Appendix V.

<b>Soil Design Group</b>	<b>Soil Group</b>	<b>Maximum Loading Rate in Gallons per Sq Ft per Day</b>
II	2A; 2B; 2K	1.00
III	3B; 3K	0.91
IV	3A; 3L; 4D; 4K	0.84
V	4A; 4B, 4H; 4L; 5D	0.75
VI	4F, 4M, 5B	0.69
VII	4N, 5A, 5C, 5H, 5K, 6D	0.62
VIII	4O, 5E, 5I, 5L, 6A, 6B, 6E, 6H, 6K	0.52
IX	5F; 5M; 6C; 6L; 7D	0.45
X	5G, 6F, 6I, 7C, 7E, 7H	0.40
XI	5N; 6G; 6J; 6M, 7F, 7I	0.27
XII	7G, 7J, 7L, 8E, 8I	0.20

4. Economic Feasibility (the economic feasibility test is not available for businesses or government owned or operated discharges): To be covered by the general permit, Owners or Operators must submit a determination that concludes that an individual or clustered (Soil Based Cluster System) soil based wastewater treatment system and all other alternatives to a Surface Discharging System are not economically feasible by demonstrating that the annualized cost to purchase, install, operate, and maintain a non-surface discharging wastewater treatment system would exceed 2% of the applicant's annual household adjusted gross income, as averaged over the three most recent full calendar years.

a EPA has developed a spreadsheet tool (See Appendix I) that must be used by the applicant to calculate average annualized costs and determine whether or not they

exceed 2% of their annual household adjusted gross income, as averaged over the three most recent full calendar years.

- b In order to use the calculator, the applicant must enter the following information:
  - i. Estimated capital cost (purchase and installation) of the least expensive zero discharge system that is technologically feasible for the site provided from the system installer or vendor.
  - ii. The corresponding operation and maintenance cost from the table included in the spreadsheet tool provided by EPA.
  - iii. The applicant's annual household adjusted gross income for the three most recent full calendar years.
- c The calculator will generate system capital, installation, operation, and maintenance costs annualized over a thirty-year period, and will allow the applicant to note whether or not he or she qualifies for general permit coverage based on the economic feasibility criterion.
- d Individual adjusted gross income is not required to be reported on the NOI form or on other forms submitted to EPA and should not be submitted with the NOI form. Applicants will only be required to self-certify that they meet the economic eligibility criterion. The applicant is required to maintain a copy of the records and calculations on which the certification is based for 3 years after the NOI is submitted.

### **C. Limitations on Coverage**

- 1. The following discharges from Surface Discharging Systems are not eligible for coverage under this general permit:
  - a Discharges from New Surface Discharging Systems located in lots (1) newly created or (2) if the land is subject to the Illinois Plat Act, 765 ILCS 205/0.01 *et seq.*, platted and approved by the entity of the local unit of government that has the authority to approve subdivisions of land under Section 2 of the Plat Act, 765 ILCS 205/2, six months or more after the effective date of the permit;
  - b Any discharge that is already covered by a different NPDES permit;
  - c Discharges to waters listed as impaired under section 303(d) of the Clean Water Act due to unnatural growths of algae or aquatic plants, bacteria, chlorine, low dissolved oxygen, or suspended solids;
  - d Discharges that are mixed with material other than Domestic Sewage;

- e Any discharge inconsistent with a plan or plan amendment approved under section 208(b) of the Clean Water Act;
- f Discharges from more than one home, or other structure;
- g Discharges from New or Replacement Surface Discharging Systems when a residential or non-residential property is within 300 feet of a sanitary sewer<sup>d</sup>;
- h Government owned or operated discharges for which one or more alternatives to a Surface Discharging System are technologically feasible (e.g., parks, campgrounds, rest stops, etc.);
- i Discharges to waters listed in 35 IAC Section 303.206 list of outstanding resource waters,
- j Discharges from businesses for which one or more alternatives to a Surface Discharging System are technologically feasible.

2. Any applicant not meeting the eligibility criteria in Part I.B above or excluded from coverage in this paragraph C, or denied coverage under this permit may apply to the Illinois Environmental Protection Agency (Illinois EPA) for coverage under an individual NPDES permit.

The Director may require any Person authorized to discharge under this permit to apply for and obtain individual NPDES permit coverage, or coverage under an alternate general permit. Any interested Person may petition the Director to act under the preceding sentence.

#### **D. Authorization**

1. In order for discharges from wastewater treatment systems to be authorized under this general permit, a Discharger must submit a NOI in accordance with the requirements of Part II, using the suggested NOI form provided by the EPA or another form of official correspondence containing all of the information required in the NOI.
2. When a new Owner acquires title to property containing a Surface Discharging System covered under this permit, a new NOI must be submitted by the New Owner in accordance with Part II to continue the authorization to discharge under this permit.

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<sup>d</sup> The Illinois Department of Public Health (DPH) is charged with implementation of 77 IAC Section 905.20(e) and EPA will defer to the Illinois DPH and its county partners to make determinations relevant to application of this language.

3. Unless notified by the EPA to the contrary, Persons who submit an NOI in accordance with the requirements of this permit are authorized to discharge under the terms and conditions of this permit 30 calendar days after the date the NOI is received by the EPA.
4. The EPA may deny coverage under this permit and require submittal of an application for an individual NPDES permit to the Illinois EPA based on a review of the NOI or other information.
5. If coverage under this permit is denied, EPA will notify both the applicant and the applicable county health department, informing them of EPA's decision to deny permit coverage. EPA will notify both parties initially by telephone and follow up with a formal letter regarding EPA's decision.

## **Part II: NOTICE OF INTENT REQUIREMENTS**

### **A. General**

1. For purposes of this general permit, the NOI consists of either the suggested NOI forms set forth respectively in Appendices II or VI of this permit or another form of official correspondence containing all of the information required in each of the respective NOIs, plus any information required to be submitted with that particular NOI (such as the Site Evaluation).

### **B. Deadlines for Notification**

1. To receive authorization under this general permit, an applicant must submit a completed NOI in accordance with Part II.E thirty calendar days prior to discharge from a Surface Discharging System.
2. No discharge of any kind from the Surface Discharging System – including system testing – is authorized until thirty calendar days after the date the NOI is received by the EPA, unless notified by the EPA to the contrary. If EPA decides to deny coverage, EPA will notify both the applicant and the applicable county health department of its decision in accordance with Section I.D.5 of this permit.
3. If a New or Replacement Surface Discharging System covered under this permit changes ownership, or is to be transferred to a new Owner or Operator, the following sequence of activities must occur:
  - a. The existing Owner or Operator must submit a Notice of Termination to EPA via certified mail, thus relieving that Person of any obligation under the permit;